REMARKS

As a preliminary matter, Applicants have amended claims 68 and 73 to correct some minor typographical errors. No new matter has been added. Applicants respectfully request that the amendments be entered.

The Examiner rejected claim 73 under 35 U.S.C. §102(e) as being anticipated by the published application to Smith. Applicants respectfully disagree. Claim 73 is directed to a mobile switching center having a call control function that refrains from completing calls for selected incoming communications responsive to a do not disturb instruction received from a user of a mobile station. Note that the user of the mobile station defines which selected incoming communications are affected by the do not disturb instruction.

The published application to Smith, in contrast, applies the same call treatment to *all incoming calls* when the do not disturb functionality is active. "When the personal setting is inactive, a 'do not disturb' condition is implemented for the mobility device, and all incoming calls to the mobility device will be routed directly to IVM." *Smith*, pg. 2, ¶ [0027] (emphasis added). This fact is also evidenced by the Examiner's admission in a later §103 rejection of claim 64. Particularly, the Examiner's alleged motivation to combine Smith with two other references (Haartsen and Ahmad) states, "... a 'do not disturb' condition is implemented for the mobility device [of Smith], and all incoming calls to the mobility device will be routed directly to voice mail as taught by Smith." *Final Office Action*, pg. 4, ll. 20-22 (emphasis added). Thus, according to both Smith and the Examiner, Smith does not teach claim 73.

Simply put, a user in Smith has two options with respect to the do not disturb functionality – to receive all incoming calls, or to receive no incoming calls. This "all-or-nothing" approach does not teach the claimed "selective" approach. Accordingly, Smith fails to anticipate claim 73 under §102.

The Examiner also rejected claim 76 under 35 U.S.C. §102(e) as being anticipated by the published application to Smith. However, claim 76 calls out language similar to that of claim 73. Therefore, for the reasons stated above, Smith also fails to anticipate claim 76 under §102.

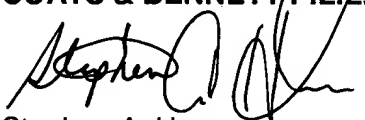
The Examiner also rejected claim 64 under 35 U.S.C. §103(a) as being unpatentable over Haartsen in view of Ahmad and in further view of Smith. Applicant respectfully disagrees. Claim 64 is directed to a wireless terminal having a processor that is configured to "instruct the multi-service network to refrain from completing calls for selected incoming communications if the do not disturb function is activated." As stated above, however, Examiner admits that each of Haartsen, Ahmad, and Smith fails to teach or suggest this element. As such, the §103 rejection necessarily fails as a matter of law.

The Examiner also rejected claim 68 under §103 citing the same references and reasons as those stated above for claim 64. Claim 68, however, contains language similar to that of claim 64. Thus, for the reasons stated above, none of the cited references teaches or suggests, alone or in combination, claim 68. Accordingly, the §103 rejection fails.

In light of the above remarks, Applicant respectfully requests the allowance of all pending claims.

Respectfully submitted,

COATS & BENNETT P.L.L.C.

By: 

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